

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY RENNA,

Plaintiff,

- against -

IHEARTMEDIA, INC.

Defendant.

Docket No. 1:17-cv-3650

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Roy Renna (“Renna” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant IHeartMedia, Inc. (“IHeart” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of four copyrighted videos of bees, owned and registered by Renna, a New York City-based photojournalist. Accordingly, Renna seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Renna is a professional photojournalist and videojournalist in the business of licensing his photographs and videos to online, print, and television stations for a fee, having a usual place of business at 69-04 58th Road, Maspeth, New York 11378. Renna's photographs and videos have appeared in many publications around the United States.

6. Upon information and belief, IHeart is a domestic corporation duly organized and existing under the laws of the State of New York, with a place of business at 32 Avenue of the Americas, New York, New York 10013. Upon information and belief, at all times material hereto, IHeart has owned and operated the websites at the following URLs: <http://z100radio.iheart.com/> and <http://q1043.iheart.com> (the "Websites").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Videos

7. On or about May 11, 2017, Renna videotaped 70,000 bees in a home in Floral Park, Queens. On or about May 19, 2015, Renna videotaped 40,000 bees in Queens (the "Videos").

8. Renna is the author of the Videos and has at all times been the sole owner of all right, title and interest in and to the Videos, including the copyrights thereto.

9. The Videos were registered with the United States Copyright Office and were given Copyright Registration Number PA 2-012-461 and pending application numbers of 1-5141439654, 1-514160397, and 1-514216111.

10. For the pending applications numbers, the fees have been paid and the works have been deposited with the United States Copyright Office.

B. Defendant's Infringing Activities

11. Upon information and belief, IHeart ran an article on one of the Websites entitled A Whole Lotta Nope... 40K Bees Under Woman's Bedroom (VIDEO). The Website prominently featured one of the Video. See <http://z100radio.iheart.com/onair/dave-deville-in-the-morning-2215/a-whole-lotta-nope-40k-bees-13607760/>. A screen shot of the Video on the Website and true and correct copy of the Video on the Website on a CD is attached hereto as Exhibit A.

12. Upon information and belief, IHeart ran another article on another Website entitled 70,000 Bees Found At A Home in Floral Park NY. The Website prominently featured three of the Videos combined. See <http://q1043.iheart.com/onair/maria-milito-1145/70000-bees-found-at-a-home-15825442/>. A screen shot of the Video on the Website and true and correct copy of the Video on the Website on a CD is attached hereto as Exhibit B.

13. IHeart did not license the Videos from Plaintiff for its articles, nor did IHeart have Plaintiff's permission or consent to publish the Videos on its Websites.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST IHEART)
(17 U.S.C. §§ 106, 501)

14. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-13 above.

15. IHeart infringed Plaintiff's copyright in the Videos by reproducing and publicly displaying the Videos on the Websites. IHeart is not, and has never been, licensed or otherwise authorized to reproduce, publicly display, distribute and/or use the Videos.

16. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

17. Upon information and belief, the foregoing acts of infringement by IHeart have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

18. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

19. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Videos, pursuant to 17 U.S.C. § 504(c).

20. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

21. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant IHeart be adjudged to have infringed upon Plaintiff's copyrights in the Videos in violation of 17 U.S.C §§ 106 and 501;
2. That, Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Videos; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;

3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
May 15, 2017

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, New York 11580
Telephone: (516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Roy Renna